IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.322 OF 1995

Smt.Sundrabai Antu Kamble & Ors. .. Petitioners.
Vs.
Kalu Dhondiba Kamble & Ors. .. Respondents.

Mr.M.R.Suryavanshi for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 18TH MARCH, 2005

P.C.:

. Heard Mr.Suryavanshi, learned counsel for the petitioners.

2. This petition is arising from the orders passed by the courts below in the application seeking interim injunction restraining the petitioner-defendant from interfering in plaintiffs' possession over the suit land. This court while admitting the writ petitiion on 23.1.1995 had granted interim relief in terms of prayer clause (c) by which the orders passed by the courts below in Exhibit-5 application and Miscellaneous Appeal No.231 of 1994 came to be stayed. It appears that the respondents had filed civil application seeking vacation of the interim relief in terms of prayer clause (c). That civil application was rejected on 10.12.1997. It is

thus clear that the interim relief in terms of prayer clause (c) has been running in favour of the petitioner since January 1995. Keeping that in view and considering the overall facts and circumstances of the case, in my opinion, there is no point in keeping this petition pending any more and the interest of justice would be met by the following order:

(a) If regular civil suit No.77 of 1994 is still pending and not disposed of so far, the interim relief granted in terms of prayer clause (c) by this Court on 23.1.1995 shall remain operative till the disposal of the said suit.

(b) If the suit is still pending, the trial Court shall decide the suit as expeditiously as possible and preferrably within a period of one year from the date of receipt of this order. It is needless to express that the trial Court shall decide the suit on merits in accordance with law and uninfluenced by the observations made by the courts below while disposing of Exhibit-5 application filed by the respondent-plaintiff.

. Rule is, accordingly, disposed of.

(D.B.Bhosale, J.)